

# UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

DAN swab from the person Kevon Kelley

Case No. 1:21-mj-971

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person Kevon Kelley

located in the \_\_\_\_\_ District of \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

DNA swab from the person Kevon Kelley

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. 922g1

Felon in Possession.

The application is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

Timur J. Housum, Special Agent ATF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
**via FaceTime video** (specify reliable electronic means).

Date: **Dec 20, 2021**

City and state: Cincinnati, Ohio

  
Karen L. Litkovitz  
United States Magistrate Judge



**AFFIDAVIT IN SUPPORT OF**  
**A SEARCH WARRANT**

Now comes Timur J. Housum, Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), being duly sworn, depose and state the following:

1. I am a Special Agent (“SA”) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and have been so employed since July 2015. As a part of my training with the ATF, I graduated from the Federal Law Enforcement Training Center, Criminal Investigator School, located in Glynco, Georgia. I graduated from the ATF Special Agent Basic Training Academy, located in Glynco, Georgia, in February of 2016. I am currently assigned to a Violent Offender Crime Task Force that investigates criminal organizations in the Southern Judicial District of Ohio. Prior to my employment with ATF, I was an Officer with the Uniformed Division of the United States Secret Service and was employed in this position from February of 2011 through July of 2015 where I received additional training. I have been involved in numerous investigations of Federal firearms and narcotic violations. These investigations have resulted in the arrest and conviction of criminal defendants.
2. This affidavit is submitted in support of an application to obtain Deoxyribonucleic Acid (DNA) samples from the person of Kevon KELLEY (Male Black DOB: 09/12/1995). KELLEY is currently in state custody on a parole violation. This DNA sample may constitute evidence of Title 18 U.S.C. § 922(g)(1).
3. 18 U.S.C. § 922(g)(1) prohibits any person who has previously been convicted of a felony offense—*i.e.*, an offense punishable by imprisonment for a term exceeding one year—from possessing any firearm or ammunition in and affecting interstate commerce.
4. This affidavit is intended to show that there is probable cause for the issuance of the above described search warrant and does not purport to set forth all of my knowledge of, or investigation into, this matter. Facts set forth in this affidavit are based on personal knowledge derived from my participation in this investigation and upon information presented to me by other law enforcement officers involved in this case.

**PROBABLE CAUSE**

5. On or about October 4, 2021, Hamilton Police Department (HPD) Officers, while on routine patrol observed a white Chevy going down the hill on Eaton Avenue traveling southbound towards Northwest Washington in Hamilton, Ohio. An HPD marked unit passed by the white Chevy and observed the driver TG and Kevon KELLEY sitting in the passenger seat of the vehicle. Records check on the vehicle revealed the registered owner as TG. Hamilton Police Department had previously received an intelligence bulletin warning that KELLEY currently had active warrants through Ohio Department of Rehabilitation and Corrections (ODRC) and may be armed and dangerous. A

Hamilton Police marked unit observed the driver make two traffic infractions. Moments later, Hamilton Police Officers conducted a high-risk traffic stop near the intersection of Main Street and F Street, due to the possibility that KELLEY may be armed and dangerous. Officers ordered the driver out of the car and she was detained without incident. Officers then ordered KELLEY out of the passenger seat of the vehicle, and he was detained without incident. Upon approaching the vehicle officers could smell the odor of unburnt marijuana coming from the vehicle. While conducting a search of the vehicle officers located: A baggie containing a green leafy substance suspected of being marijuana on the passenger seat, an open bud light can in the center cup holder, and a loaded firearm concealed improperly under the seat where KELLY was sitting. The firearm was further described as a Zigana model PX-9, 9mm caliber pistol bearing serial number T062020BM09253 with a total of 18 live rounds in the magazine. Officers confirmed KELLEY's warrants through ODRC, and he was transported down to the police station for processing.

6. Your affiant conducted a criminal record check related to KELLEY. The records check revealed that KELLEY had been previously convicted of an offense punishable by greater than one year in prison based on a review of certified conviction documents. Specifically, KELLEY was convicted in Butler County, Ohio, Common Pleas Court Case Number CR 2014-05-0844, for Aggravated Robbery (F1). Records check also revealed that KELLEY was currently on active parole.
7. Your affiant contacted S/A Will Crayner, an ATF Interstate Nexus agent who confirmed the listed firearm: a Zigana model PX-9, 9mm caliber pistol bearing serial number T062020BM09253 was made outside of the state of Ohio.
8. The firearm will be submitted for fingerprint and DNA testing. The DNA swabs collected from the firearm will be submitted to be compared to known DNA samples.
9. Based on my training and experience, I know that DNA profiles can be transferred to and from items, such as firearms, when they are touched or possessed by individuals. I also know that DNA profiles of individuals are unique to that individual.
10. I am requesting a known sample of KELLEY's DNA, to be used to compare with DNA profile(s) recovered from the firearm. Swabs from the firearm as well as the known sample obtained from KELLEY will be submitted to the Ohio Bureau of Criminal Investigations for comparison.
11. Based on the above facts and circumstances, and on my training and experience, I respectfully submit that probable cause exists to issue a search warrant and obtain a Deoxyribonucleic Acid (DNA) sample from the person of Kevon KELLEY. These DNA samples may constitute evidence of violation of Title 18 U.S.C. § 922(g)(1), possession of a firearm by a convicted felon. Therefore, I request that the Court allow me and other law enforcement officers to take a cotton swab and place it inside the mouth of Kevon KELLEY, rubbing inside of their cheek to obtain cellular material.

12. Based on training and experience, I know that this procedure is quick, painless and involves minimal intrusion into the body.

Respectfully submitted,



\_\_\_\_\_  
Timur J. Housum  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives

Sworn before me, this 20th day of December, 2021.



\_\_\_\_\_  
Karen L. Litkovitz  
United States Magistrate Judge

